

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:01CR219
)	
v.)	
)	
ELIJAH H. HARRIS, III,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on defendant's motion to reduce sentence and request for evidentiary hearing and oral argument (Filing No. 225).

On August 23, 2001, defendant was indicted, together with co-defendants, with the crimes of conspiracy to distribute and possession with intent to distribute cocaine (Count I), and with possession with intent to distribute cocaine (Count II). Defendant entered a plea of guilty to Count I of the indictment on April 23, 2002. His original guideline range was 324 to 405 months. He was sentenced on July 23, 2002, to three hundred twenty-four (324) months imprisonment, with five years of supervised release to follow.

Pursuant to the retroactive amendment to the cocaine base guidelines, the defendant's final offense level is reduced from 37 to 35 with a sentencing range of 262 to 327 months. His criminal history category remains at V.

The Court finds that defendant's sentence should be reduced to two hundred sixty-two (262) months imprisonment, considering the prior computation of specific offense characteristics, adjustments, and departures. Accordingly,

IT IS ORDERED:

- 1) Said motion to reduce sentence is granted; the sentence of the defendant is reduced to two hundred sixty-two (262) months. He shall receive credit for time served.
- 2) The conditions of supervised release entered in the original judgment and committal order remain in full force and effect.
- 3) The balance of defendant's motion is denied.

DATED this 27th day of January, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court